

IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE: **RAFAEL MARTINEZ FUENTES**
SSN xxx-xx-0890
LUZ ESTRELLA CORTES TORRES
SSN xxx-xx-8918
Debtor(s)

CASE NO: **21-00098-ESL**

Chapter 13

STANDING CHAPTER 13 TRUSTEE §341 MEETING MINUTES AND REPORT ON CONFIRMATION

Petition Filing Date: **01/20/2021**

First Meeting Date: **02/24/2021 at 9:20AM**

Days From Petition Date: **35**

341 Meeting Date: **02/24/2021 at 9:20AM**

910 Days Before Petition: **07/25/2018**

Confirmation Hearing Date: **03/24/2021 at 2:00PM**

Chapter 13 Plan Date: **01/20/2021** ☐ Amended

Plan Base: **\$10,500.00** Plan Docket # **3**

This is Debtor(s) 1 Bankruptcy petition.

This is the 1 scheduled meeting.

Payment(s) ☐ Received or ☐ Evidence shown at meeting:

Total Paid In: **\$0.00**

Check/MO# _____

Date: _____ Amount: \$ _____

*APPEARANCES: ☐ Telephone ☒ Video Conference

Debtor: ☒ Present ☐ Absent ☒ ID & Soc. OK

Joint Debtor: ☐ Present ☐ Absent ☐ ID & Soc. OK

☒ Examined ☐ Not Examined under Oath

☐ Examined ☐ Not Examined under Oath

Attorney for Debtor(s): ☐ Not Present ☒ Present

Name of Attorney Present (Other than Attorney of Record): _____

☐ Pro-se

☒ Creditor(s) Present

☐ None

VELEZ-HACIENDA*

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO***

Total Agreed: **\$4,000.00** Paid Pre-Petition: **\$992.00** Outstanding (Through the Plan): **\$3,008.00**

*TRUSTEE'S REPORT ON CONFIRMATION & STATUS OF §341 MEETING

Debtor's/s' Commitment Period: ☐ Under Median Income 36 months ☒ Above Median Income 60 months §1325(b)(1)(B)

Projected Disposable Income: \$ tbd

☐ The Trustee cannot determine debtor's/s' commitment period at this time.

If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$0.00

The Trustee: ☐ NOT OBJECTS ☐ OBJECTS Plan Confirmation Gen. Uns. Approx. Dist.: ____ %

§341 Meeting ☒ CONTINUED ☐ NOT HELD ☐ CLOSED

☐ HELD OPEN FOR ____ DAYS until _____ pursuant to 1308. After this date the meeting is deemed CLOSED.

§341 Meeting Rescheduled for: APRIL 6, 2021 AT 9:40 AM VIA GOOGLE MEET.

Comments: The court is yet to enter an order related to Docket no. 12.Motion requesting entry of order RE Motion to Excuse the Debtor Rafael Martinez Fuentes from Personally Appearing at the 341 Meeting.

*TRUSTEE'S OBJECTIONS TO CONFIRMATION: NOTICE: LBR 3015-2(c)(6) The debtor must within seven (7) days after service of the objection file either: (A) an amended plan that addresses each objection; or (B) a reply setting forth the facts and legal arguments that give rise to the reply in sufficient detail to allow each objector, if possible, to reconsider and withdraw its objection.

[1325(a)(4)] Plan fails Creditors Best Interest Test.

Debtor has a pending cause of action (TORTS). Debtor will submit a copy of the complaint. Trustee to verify the exemption claimed.

[1325(a)(5)] Plan fails to comply with required treatment of allowed Secured Claims.

The plan fails to provide treatment for Hacienda's secured claim as per POC no.2.

[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to comply with Creditors Best Interest Test. [1325(a)(4)]

The minimum base needed will depend on the amount of unsecured debt. The bar date for GU creditors to file their claims elapses on March 31, 2021.

[1325(a)(9)] Tax Requirements – Debtor(s) fails to comply with Tax Return filing requirement of [1308].

Debtor has failed to submit evidence of having filed local tax returns for years 2020.

*OTHER COMMENTS / OBJECTIONS

Oriental, secured creditor provided for in the plan, is yet to file its proof of claim. Said creditor will not participate from the disbursements until they file their claims. In absence of said claim Debtor must submit evidence of the secured status of said creditor in order to confirm that the treatment being provided does not constitute unfair discrimination against other parties in the case.

/s/ Jose R. Carrion, Esq. Meeting Date: Feb 24, 2021
Trustee

/s/ Nannette Godreau, Esq., Presiding Officer